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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,277	01/28/2004	Douglas M. Caszar	85921SLP	4290
76523	7590	08/21/2008		
Carestream Health, Inc. Patent Legal Staff 150 Verona Street Rochester, NY 14608			EXAMINER SEVERSON, JEREMY R	
			ART UNIT 3653	PAPER NUMBER
			MAIL DATE 08/21/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/767,277

Applicant(s)

CSASZAR ET AL.

Examiner

Jeremy Severson

Art Unit

3653

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Reopening of Prosecution After Appeal Brief

In view of the appeal brief filed on 10 June 2008, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Patrick H. Mackey/

Supervisory Patent Examiner, Art Unit 3653.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 4 and 6-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "a transport member disposed within the box member configured to move solely in planar translation". Applicant argues that this differs from Kulick (US 2,056,279) because the transport member in Kulick "determines a parallelogram to raise and lower film in a parallel relation". Brief, p. 4. However, applicant's disclosure indicates that "support plate 36 interlocks/abuts with a medium spacer guide 44, pulling screen transport 34 downward, to promote a smooth transition for the screen". Spec., p. 7. Fig 7 also shows that transport member 34 does not move in "solely in planar translation" under the meaning of the phrase being argued by applicant.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 6-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kulick (US 2,056,279).

Kulick discloses a cassette for a sheet-shaped image medium having a substantially planar surface along its length, comprising:

- a box member (fig. 1) adapted to house the medium therein, the box member being provided with an opening through which the medium can be fed into and out of the box member along a first substantially planar direction;

- a pivotable access member (11) attached to the box member and pivotably movable about an axis substantially perpendicular to the first direction between a first position wherein the access member is disposed in the opening and a second position wherein the access member is not disposed in the opening; and

- a transport member (23) disposed within the box member configured to move solely in planar translation, the transport member translating in the first substantially planar direction to move the medium into and out of the box member through the opening when the access member is in the second position, the transport member having a substantially planar surface which contacts the planar surface of the medium along its length when the transport member is moving the medium into and out of the box member.

In regard to claim 2, Kulick discloses a phosphor sheet (34).

In regard to claim 6, the static frictional force between the transport member 23 and the phosphor sheet (34) promotes translation of the sheet.

In regard to claim 7, the movement is actuated by a single operation, shown in part in fig. 4.

In regard to claim 8, Kulick discloses an assist mechanism (31) biased on the first direction to promote translation of the pusher.

In regard to claim 9, Kulick discloses a cassette wherein the transport member translates a distance from about 2 inches to about 5 inches, as shown in fig. 4.

In regard to claim 10, Kulick discloses a guide (24).

In regard to claim 11, Kulick discloses the guide is made of lead (col. 2, line 32).

In regard to claim 12, Kulick discloses an access member (11) which is biased in a first position via a spring (31).

In regard to claim 13, part of the access member (11) is disposed within the box member at the hinge 12 when in the first position and the second position.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kulick in view of Pfeiffer.

Regarding claims 4 and 14, Kulick discloses everything claimed, except Kulick does not disclose neoprene attached to the surface of the pusher. Pfeiffer discloses attaching a foamy plastic onto a transport member (Pfeiffer, col. 2, lines 45-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to attach a piece of foamy plastic material (such as neoprene) to

the contact surface of the pusher, as taught by Pfeiffer, in order to provide cushioning and protection for the phosphor sheet. The neoprene acts as a frictional control surface.

Response to Arguments

Applicant's arguments filed 10 June 2008 have been fully considered by the examiner.

In an effort to expedite prosecution, the examiner has reopened prosecution in the case to note that applicant's invention as originally disclosed does not appear to support the interpretation of the claims for which applicant is arguing. See 112 rejection, above. In addition, the prior art rejections are maintained.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy Severson whose telephone number is (571)272-2209. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeremy Severson/
Examiner, Art Unit 3653

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
Unit 3653